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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) <b>3507.2.11</b>
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>September 16, 2006</u></p> <p>Signature <u>Thomas M. Hardman</u></p> <p>Typed or printed name <u>Thomas M. Hardman (via EFS-Web)</u></p>		<p>Application Number <b>10/617,083</b></p> <p>Filed <b>07/10/2003</b></p> <p>First Named Inventor <b>Pei-Yuan Lee</b></p> <p>Art Unit <b>3724</b></p> <p>Examiner <b>Hamilton</b></p>
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>		
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>51,777</u></p> <p><u>Thomas M. Hardman</u> Signature</p> <p><u>Thomas M. Hardman</u> Typed or printed name</p> <p><u>801-537-1700</u> Telephone number</p> <p><u>September 16, 2006</u> Date</p>		
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>		

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

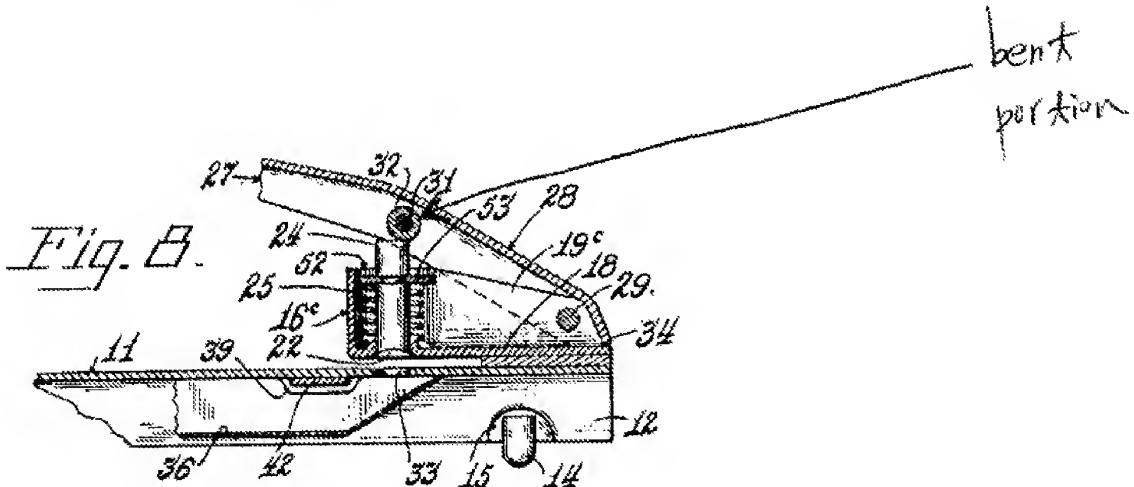
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

### REASONS FOR REQUESTING REVIEW

Claims 16-18 and 20-26 are pending in the present application. In the Final Office Action mailed June 16, 2006, the Examiner rejected claims 16-18 and 20-26 under 35 U.S.C. § 103(a) as being unpatentable over Brennan (U.S. Patent No. 2,149,268) in view of Van Cleave (U.S. Patent No. 3,890,870) or Mori (U.S. Patent No. 4,466,322). Applicant respectfully submits that there are clear errors in the Examiner's rejections.

In the Final Office Action mailed June 16, 2006, the Examiner states: "Brennan discloses...non-linear levering rod 27, 28, 19c in fig. 8,...; bent portion slightly to the left of roller 32 along the levering rod as shown in figure 8; levering rod is linear between the pivot portion and the bent portion as shown in figure 8; levering rod is linear between the force receiving portion and the bent portion as shown in figure 8;..." Applicant respectfully submits that there are a number of mistaken interpretations regarding Figure 8 of the Brennan patent.

Apparently, after reviewing Page 2, left Col., lines 17-36, right Col., lines 29-40, and the relevant figures in the Brennan's patent, we can find the roller 32 is not only coupled to the bent portion, but is formed by an overlap structure including a sustaining and a bent structure. This can be seen in Figure 8 of Brennan:

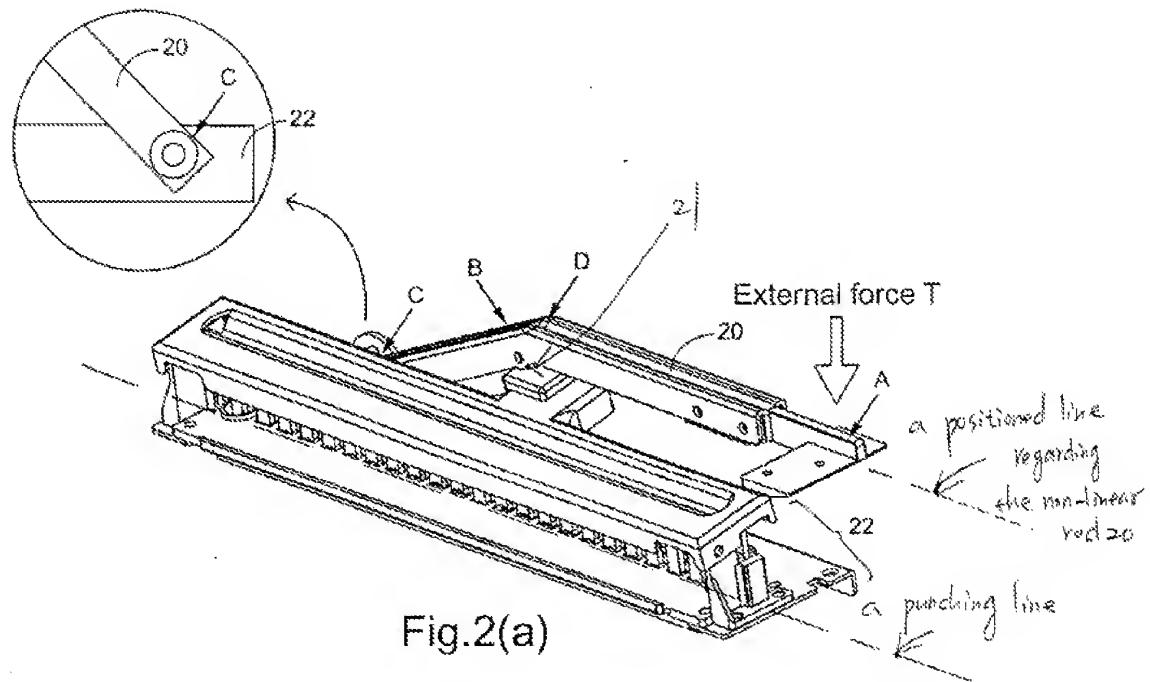


The structure in Brennan has a serious drawback; that is, once an external force applied to the receiving portion 27 is too high and the handle is made of plastic material or the like, the broken point may be formed at the bent portion. This is in contrast to the claimed invention. In the claimed invention, as shown in Figure 2(a) of the present application, the roller 21 is not coupled to the bent portion D and there exists a linear and short rod between the bent portion D and the roller 21.

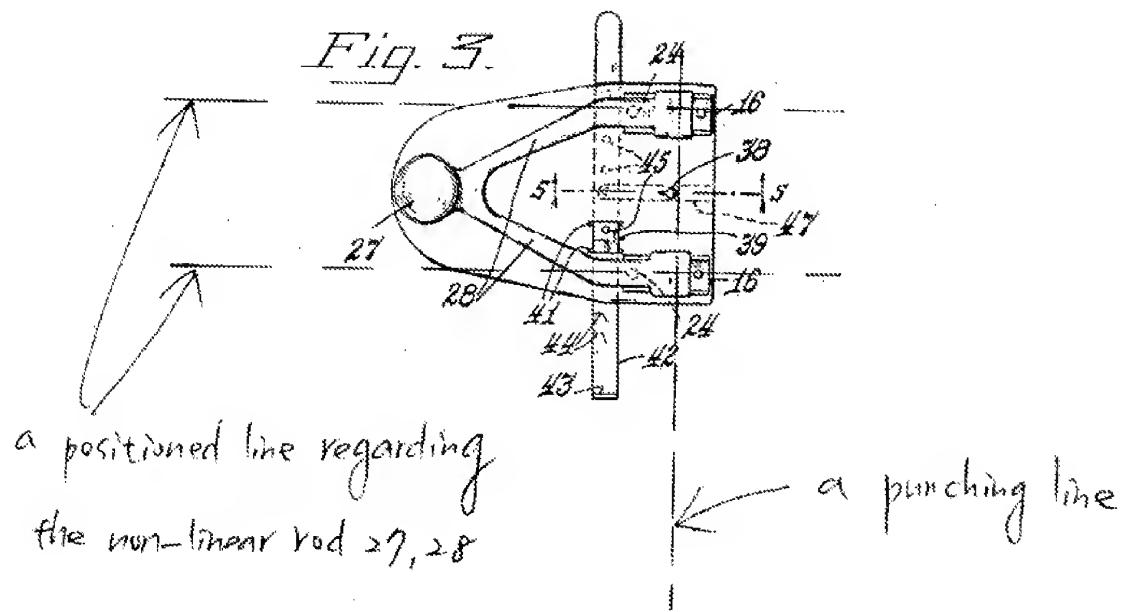
Furthermore, referring to paragraph [0025] of the present patent specification, the distance d1 between the depressing-force exerting portion B and the pivot portion C is approximately 132.4mm and the distance d2 between the bent portion D and the pivot portion C is approximately 142.5 mm. Therefore, the length of the above linear and short rod is approximately equal to 10.1 mm when d2

minus d1. In other words, the strength of the sustaining force generated by the roller 21 and the depressing-force exerting portion B will be increased so as to allow the strength of the external force T to be more increased. The above inventive structure of the claimed invention clearly is not taught or suggested by Brennan, Cleave, Mori, or the combination thereof.

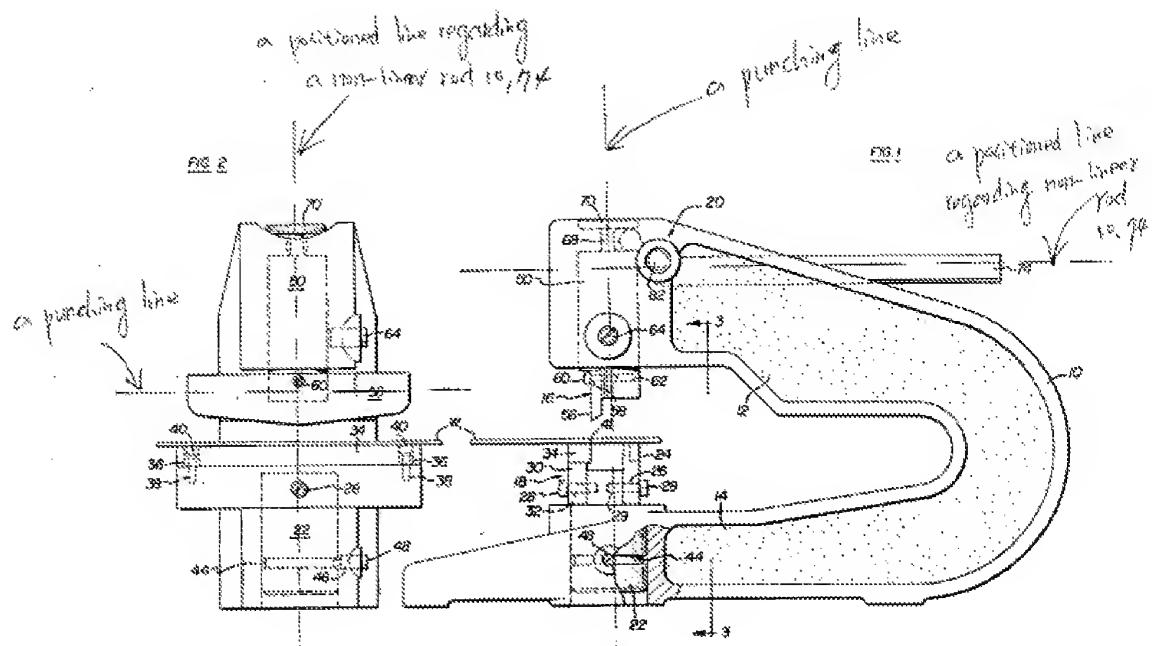
Secondly, in the claimed invention the punching line is parallel to the non-linear rod. This can be seen by reference to Figure 2(a) of the present application.



In Brennan the punching line is NOT parallel to the non-linear rod, as shown in Fig. 3 of Brennan.

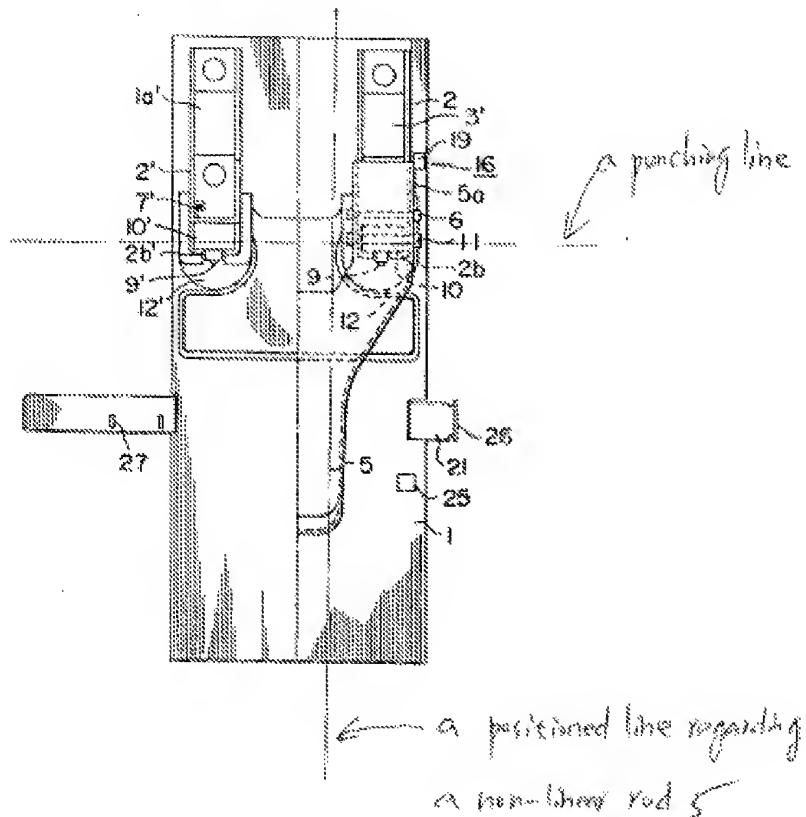


Similarly, in Cleave the punching line is NOT parallel to the non-linear rod, as shown in Figures 1-2 of Cleave.



Similarly, in Mori the punching line is NOT parallel to the non-linear rod, as shown in Figure 3 of Mori.

FIG. 3



Because of this structural difference, in the claimed invention the volume of the punching device is more compact than that disclosed in the cited references. The above inventive structure of the claimed invention clearly is not taught or suggested by Brennan, Cleave, Mori, or the combination thereof.